

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

NEIL ADAMS MCGINNIS,

Plaintiff,

v.

BERNARD WARNER, DONALD HOLBROOK,  
and DOCTOR EDWARDS,

Defendants.

No. 4:15-cv-05005-EFS

**ORDER DENYING IN FORMA PAUPERIS  
STATUS AND DISMISSING ACTION**

By Order filed February 20, 2015, the Court directed Plaintiff to show cause within thirty (30) days why he should not be precluded from proceeding in this action *in forma pauperis* under 28 U.S.C. § 1915(g). ECF No. 8. The Court instructed him to file no further documents in this action, other than a Response to the Order to Show Cause or full payment of the \$400.00 filing fee.

On March 2, 2015, Plaintiff submitted various additional documents, including a proposed amended complaint, letters, and exhibits. ECF Nos. 9-12. These documents are non-compliant with the instruction that he restrain his writings within one inch margins on documents.

On March 24, 2015, Plaintiff submitted an 18 page document stating, "why I have failed to respect Court's deadline of 3-20-2015

1 and my pray for relief under Federal Rules of Civil Procedure that I  
2 pray for relief that Courts in their inherent powers to do so will  
3 invoke in its own discretion as it deems proper and appropriate." ECF  
4 No. 13 at 1. This document is not responsive to the Order to Show  
5 Cause. On April 7, 2015, Plaintiff appealed the Order to Show Cause,  
6 ECF NO. 14. The Court finds that it retains jurisdiction over this  
7 action as no final order has been entered.

8 Plaintiff has presented no clear facts from which the Court  
9 could infer that he is under imminent danger of serious physical  
10 injury. For the reasons set forth in the Order to Show Cause, ECF No.  
11 8, **IT IS ORDERED** that Plaintiff's application to proceed *in forma*  
12 *pauperis* is **DENIED** as precluded under 28 U.S.C. § 1915(g). Although  
13 granted the opportunity to do so, Plaintiff did not pay the \$400.00  
14 required to commence this action.

15 Accordingly, **IT IS HEREBY ORDERED:**

16 1. This action is **DISMISSED** for failure to comply with 28  
17 U.S.C. § 1914.

18 2. All pending motions are **DENIED as moot.**

19 **IT IS SO ORDERED.** The District Court Clerk is directed to enter  
20 this Order, enter judgment, forward a copy to Plaintiff and close the  
21 file.

22 **DATED** this 13<sup>th</sup> day of April 2015.

23 \_\_\_\_\_  
s/Edward F. Shea

24 EDWARD F. SHEA  
25 Senior United States District Judge  
26